

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TRENNA L. ANDERSON,

Plaintiff,

Civil No. 08-119-JE

v.

ORDER

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

HAGGERTY, District Judge:

Magistrate Judge Jelderks has issued a Findings and Recommendation [23] in this action. The Magistrate Judge recommended that a judgment should be entered reversing the Commissioner's decision and remanding this case for further proceedings. No objections were filed, and the case was referred to this court.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear

error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. U.S. Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Findings and Recommendation and this case is remanded for further proceedings. On remand, the Administrative Law Judge must consider plaintiff's impairments as severe at the second step of the disability analysis; must generally credit the opinion of Dr. Duncan, except as to the ultimate question of disability; must consider referring plaintiff for evaluation of the psychological issues identified in Dr. Duncan's opinion; and must either accept the statements of plaintiff's mother concerning plaintiff's symptoms and impairments, or provide a legally sufficient basis for discounting her statements.

CONCLUSION

The Findings and Recommendation [23] is adopted and the Commissioner's decision is reversed and remanded for further proceedings.

IT IS SO ORDERED.

Dated this 9 day of April, 2009.

/s/ Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge